

November 15, 2011

Regular Council Meeting

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 15, 2011

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, November 15, 2011, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Christina J. Luman-Bailey, Mayor
 K. Wayne Walton, Vice Mayor
 Michael C. Bujakowski, Councilor
 Gerald S. Stokes, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

 Edwin C. Daley, City Manager
 Thomas E. Lacheney, City Attorney
 Ann M. Romano, City Clerk

ABSENT: Curtis W. Harris, Councilor (medical)

ROLL CALL

Mayor Luman-Bailey opened the meeting at 6:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (medical)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

CLOSED SESSION

Motion was made by Councilor Bujakowski, seconded by Vice Mayor Walton, and unanimously passed to convene into Closed Session to discuss Potential Acquisition of Real Property; Current Litigation & Legal Matters (concerning amendment to Council Rules & Procedures); and, Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711(A) (1) (3).

OPEN SESSION

At 7:17 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

November 15, 2011
Regular Council Meeting

CLOSED SESSION

At 7:18 PM, **Motion** was made by Councilor Shornak, seconded by Councilor Bujakowski, and unanimously passed to convene into Closed Session to discuss Personnel, in accordance with Virginia Code Sec. 2.2-3711(A) (1).

OPEN SESSION

At 7:35 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

REGULAR MEETING

Mayor Luman-Bailey opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (medical)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

Prayer was offered by Herbert Bragg, Director of Intergovernmental and Government Affairs, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Vice Mayor Walton, seconded by Councilor Shornak, and passed unanimously, to remove from the Consent Agenda **Ord. #2011-16** – An ordinance authorizing the issuance of General Obligation Public Improvement Bonds of the City of Hopewell, Virginia in the Maximum Principal Amount of \$5,000,000; and **Ord. #2011-17** – An ordinance amending an ordinance adopted June 22, 2004, Entitled, "An ordinance authorizing the issuance of General Obligation Public Improvement Bonds of the City of Hopewell, Virginia, in the maximum principal amount of \$20,000,000.

Motion was made by Councilor Pelham, seconded by Councilor Bujakowski, and passed unanimously to approve the Consent Agenda, with the exception that the minutes of the City Council meeting dated October 18, 2011 be amended by removing the addendum at the end of the minutes. Regular Meeting minutes October 18, 2011 (as amended); Pending List; Information for Council Review: School Board agenda 10/21/11 & meeting notice 11/3/11 & 11/8/11; Senior Citizens Adv. Comm. minutes 9/20/11 & 5/17/11; Recreation Commission agenda 11/9/11 & minutes 10/12/11; CPDC-Executive Committee minutes 10/13/11 & agenda 11/10/11; LEPC minutes 11/1/11; Personnel Change Report & Financial Report; Public Hearings Announcements: PH 12/13/11 proposed School Board Budget Resolution Amendment, School Budget Increase, in the amount of \$1,912,452, in amendments, are to be made for the FY 2011-2012 budget; Routine Approval of Work Sessions: November 29, 2011 WS; Ordinances on second and final reading: **Ord. #2011-15**-An Ordinance amending and reenacting Article II, Election Districts, of Chapter 13, Elections, of the Code of the City of

November 15, 2011
Regular Council Meeting

Hopewell; Routine Grant Approval: Proclamations/Resolutions/Presentations: Proclamation – Rebuilding Together Tri Cities.

ORDINANCE NO. 2011-15

An Ordinance amending and reenacting Article II, Election Districts, of Chapter 13, Elections, of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article II, Election Districts, of Chapter 13, Elections, of the Code of the City of Hopewell is amended and reenacted as follows:

**Chapter 13. ELECTIONS
ARTICLE II. ELECTION DISTRICTS**

Sec. 13-21. Establishment; names and boundaries generally.

In pursuance of authority conferred by ~~section~~ §24.1-36 et seq., of the Code of Virginia, there are established seven (7) election districts in the city. The names and boundary lines of the election districts so established shall be as provided in the following sections of this article.

Sec. 13-22. First district.

All that territory bound as follows:

Ward 1: Beginning at Randolph Road (Route 10) and the northern Hopewell city limits south along the centerline of Randolph Road to the Riverside Loop, then west along the centerline of Riverside Loop to Riverside Avenue, then west along the centerline of Riverside Avenue to North 21st Avenue, then south along the centerline of North 21st Avenue to City Point Road, then west along the centerline of City Point Road to South ~~22nd~~ 24th Avenue, then south along the centerline of South ~~22nd~~ 24th Avenue to Jackson Street, then east along the centerline of Jackson Street to 17th Avenue, then south along the centerline of 17th Avenue to Atlantic Street, then west along the centerline of Atlantic Street to South 21st Avenue, then south along the centerline of South 21st Avenue to an extension of South 21st Avenue, then south along the centerline of the South 21st Avenue extension to the CSX railroad line, then east along the centerline of the CSX railroad line to the Norfolk and Southern railroad line, then north along the centerline of the Norfolk and Southern railroad line to South 15th Avenue, then north along the centerline of South 15th Avenue to City Point Road, then east along the centerline of City Point Road to North Sixth Avenue, then north along the centerline of North Sixth Avenue to West Broadway, then east along the centerline of West Broadway to East Broadway, then east along the centerline of East Broadway to Kippax Street, then north along the centerline of Kippax Street to East Cawson Street, then east along the centerline of East Cawson Street to Marks Street, then south along the centerline of Marks Street to East Broadway, then east along the centerline of East Broadway to Norfolk and Southern railroad line, then west along the centerline of the Norfolk and Southern railroad line to an extension of Williams Street, then south along the centerline of the extension of Williams Street to Poythress Run Creek, then east along the centerline of Poythress Run Creek to the eastern city limits along the James River, then north along the eastern city limits to the northern city limits at the Appomattox River, and west along the northern city limits to the point of origin ~~at Randolph Road~~.

Sec. 13-23. Second district.

All that territory bound as follows:

Ward 2: Beginning at the point where Poythress Run Creek enters the James River, west along the centerline of Poythress Run Creek to an extension of Williams Street, then north along the centerline of the Williams Street extension to the Norfolk and Southern railroad line, then north along the centerline of the Norfolk and Southern railroad line to East Broadway, then west along the centerline of East Broadway to Marks Street, then north along the centerline of Marks Street to East Cawson Street, then west along the centerline of East Cawson Street to Kippax Street, then south along the centerline of Kippax Street to East Broadway, then west along the centerline of East Broadway to West Broadway,

November 15, 2011
Regular Council Meeting

then along the centerline of West Broadway to Sixth Avenue, then south along the centerline of Sixth Avenue to City Point Road, then west along the centerline of City Point Road to South 15th Avenue, then south along the centerline of South 15th Avenue to the Norfolk and Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the extension of Highland Avenue, then south along the centerline of the extension of Highland Avenue to Highland Avenue, then south along the centerline of Highland Avenue to Winston Churchill Drive, then east along the centerline of Winston Churchill Drive to South First Avenue, then south along the centerline of South First Avenue to the extension of South First Avenue, then south along the centerline of the extension of South First Avenue, to its intersection with the CSX railroad line, then west along the centerline of the CSX railroad line to Winston Churchill Drive, then west along the centerline of Winston Churchill Drive to Arlington Road, then south along the centerline of Arlington Road to Dublin Street, then east along the centerline of Dublin Street, to Carolina Avenue, then south along the centerline of Carolina Avenue to Courthouse Road, then west along the centerline of Courthouse Road to Arlington Road, then south along the centerline of Arlington Road to Locust Street, then east along the centerline of Locust Street to Dellrose Drive, then north along the centerline of Dellrose Drive to the Dominion Virginia Power line, then north along the centerline of the Dominion Virginia Power line to an unnamed tributary creek of Bailey's Creek, then south along the centerline of the unnamed tributary creek of Bailey's Creek to the southern city limits at Bailey's Creek, then east along the southern city limits at Bailey's Creek to the eastern city limits at the James River, then north along the eastern city limits at the James River to the point of origin.

Sec. 13-24. Third district.

All that territory bound as follows:

Ward 3: Beginning at Randolph Road (Route 10) and the northern Hopewell city limits south along the city limits to Riverside Avenue, then west along the centerline of Riverside Avenue to North 21st Avenue, then south along the centerline of North 21st Avenue to City Point Road, then west along the centerline of City Point Road to South ~~22nd~~ 24th Avenue, then south along the centerline of ~~22nd~~ 24th Avenue to Jackson Street, then east along the centerline of Jackson Street to 17th Avenue, then south along the centerline of 17th Avenue to Atlantic Street, then west along the centerline of Atlantic Street to South 23rd Avenue, then north along the centerline of South 23rd Avenue to Bluefield Street, then west along the centerline of Bluefield Street to ~~Hill Street~~, then north along the centerline of ~~Hill Street to Joseph Hooker Street~~, then west along the centerline of ~~Joseph Hooker Street to Wagner Street~~, then north along the centerline of ~~Wagner Street to Clingman Street~~, then west along the centerline of ~~Clingman Street to Hoke Street~~, then north along the centerline of ~~Hoke Street to Pickett Street~~, then west along the centerline of ~~Pickett Street to South Mesa Drive~~, then north along the centerline of ~~South Mesa Drive to River Road~~, then west along the centerline of ~~River Road to the CSX railroad line~~, then north along the centerline of the CSX railroad line to the ~~extension of West Broadway~~, then east along the ~~extension of West Broadway to West Broadway~~, then east along the centerline of ~~West Broadway to North Marion Street~~, then north along the centerline of ~~North Marion Street to Vinton Street~~, then east along the centerline of ~~Vinton Street to Woodland Road~~, then north along the centerline of ~~Woodland Road to an extension of Woodland Road~~, then north along the centerline of an extension of ~~Woodland Road to the northern city limits along the Appomattox River~~, then east along the northern city limits to the point of origin.

Sec. 13-25. Fourth district.

All that territory bound as follows:

Ward 4: Beginning at the northern city limits and an ~~extension of Woodland Road~~, then south along the centerline of the ~~extension of Woodland Road to Woodland Road~~, then south along the centerline of ~~Woodland Road to Vinton Street~~, then west along the centerline of ~~Vinton Street to North Marion Avenue~~, then south along the centerline of ~~North Marion Avenue to West Broadway~~, then west along the centerline of ~~West Broadway to an extension of West Broadway~~, then west along the centerline of an extension of ~~West Broadway to the CSX railroad line~~, then south along the centerline of the CSX railroad line to ~~River Road~~, then east along the centerline of ~~River Road to South Mesa Drive~~, then south along the centerline of ~~South Mesa Drive to Sussex Drive~~, then west along the centerline of ~~Sussex Drive to an extension of Sussex Drive~~, then west along the extension of ~~Sussex Drive to Cabin Creek~~, then

November 15, 2011
Regular Council Meeting

~~south along the centerline of Cabin Creek to Jackson Farm Road, then east west~~ along the centerline of Jackson Farm Road to ~~Fox Street, then south along the centerline of Fox Street to Forest Street, then east along the centerline of Forest Street to Cedar Level Road, then south along the centerline of Cedar Level Road to Oaklawn Boulevard~~ the Norfolk Southern railroad line, then west along the centerline of ~~Oaklawn Boulevard~~ the Norfolk Southern railroad line to the western city limits, then north along the western city limits to the northern city limits at the Appomattox River, and then east along the northern city limits to the point of origin.

Sec. 13-26. Fifth district.

All that territory bound as follows:

Ward 5: Beginning at the intersection of Woodlawn Street and Cedar Level Road, east along the centerline of Woodlawn Street to Hanover Avenue, then north along the centerline of Hanover Avenue to Kenwood Street, then south along the centerline of Kenwood Street to Maple Street, then east along the centerline of Maple Street to Miles Avenue, then north along the centerline of Miles to the Norfolk and Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the CSX railroad line, then north along the CSX railroad line to an extension of South 21st Avenue, then north along the extension of South 21st Avenue to South 21st Avenue, then north along the centerline of South 21st Avenue to Atlantic Street, then west along the centerline of Atlantic Street to South 23rd Avenue, then north along the centerline of South 23rd Avenue to Bluefield Street, then west along the centerline of Bluefield Street to ~~Hill Street, then north along the centerline of Hill Street to Joseph Hooker Street, then west along the center line of Joseph Hooker Street to Wagner Street, then north along the centerline of Wagner Street to Clingman Street, then west along the centerline of Clingman Street to Hoke Street, then north along the centerline of Hoke Street to Pickett Street~~ the CSX railroad line, then west north along the centerline of ~~Pickett Street~~ the CSX railroad line to South Mesa Drive, then south along the centerline of South Mesa Drive to ~~Sussex Drive, then west along the centerline of Sussex Drive to an extension of Sussex Drive, then west along the centerline of the extension of Sussex Drive to Cabin Creek, then south along the center line of Cabin Creek to Jackson Farm Road, then east west~~ along the centerline of Jackson Farm Road to ~~Fox Street, then south along the centerline of Fox Street to Forest Avenue~~ then east along the centerline of ~~Forest Avenue~~ to Cedar Level Road, then south along the centerline of Cedar Level Road to the point of origin ~~Woodlawn Street.~~

Sec. 13-27. Sixth district.

All that territory bound as follows:

Ward 6: Beginning at the intersection of Winston Churchill Drive and South First Avenue, south along the centerline of South First Avenue to an extension of South First Avenue, then south along the centerline of the extension of South First Avenue to its intersection with the CSX railroad line, then west along the centerline of the CSX railroad line to Winston Churchill Drive, then west along the centerline of Winston Churchill Drive to Arlington Road, then south along the centerline of Arlington Road to Dublin Street, then east along the centerline of Dublin Street to Carolina Avenue, then south along the centerline of Carolina Avenue to Courthouse Road, then west along the centerline of Courthouse Road to Arlington Road, then south along the centerline of Arlington Road to Locust Street, then east along the centerline of Locust Street to Dellrose Drive, then north along the centerline of Dellrose Drive to the Dominion Virginia Power line, then north along the centerline of the Dominion Virginia Power line to an unnamed tributary creek of Bailey's Creek, then south along the centerline of the unnamed tributary creek of Bailey's Creek to the southern city limits at Bailey's Creek, then west along the southern city limits at Bailey's Creek to an unnamed tributary of Bailey's Creek, then north along the centerline of the unnamed tributary of Bailey's Creek to a line parallel to Glendale Street approximately 100 feet east of an extension of Glendale Avenue, then north along the parallel line to Garland Avenue, then west along the centerline of Garland Avenue to Glendale Street, then north along the centerline of Glendale Street to Courthouse Road, then east along the centerline of Courthouse Road to Miles Avenue, then north along the centerline of Miles Avenue to Winston Churchill Drive, then east along the centerline of Winston Churchill Drive to High Avenue, then north along the centerline of High Avenue to Western Street, then east along the centerline of Western Street to Elm Street, then east along the centerline of Elm Street to the CSX railroad line, then north along the centerline of the CSX railroad line to the Norfolk and

November 15, 2011
Regular Council Meeting

Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the Highland Avenue extension, then south along the centerline of the Highland Avenue extension to Highland Avenue, then south along the centerline of Highland Avenue to Winston Churchill Drive, then east along the centerline of Winston Churchill Drive to the point of origin.

Sec. 13-28. Seventh district.

All that territory bound as follows:

Ward 7: Beginning at the intersection of Cedar Level Road and Woodlawn Street, east along the centerline of Woodlawn Street to Hanover Avenue, then north along the centerline of Hanover Avenue to Kenwood Avenue, then south along the centerline of Kenwood Avenue to Maple Street, then east along the centerline of Maple Street to Miles Avenue, then north along the centerline of Miles Avenue to the Norfolk and Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the CSX railroad line, then south along the centerline of the CSX railroad line to Elm Street, then west along the centerline of Elm Street to Western Street, then west along the centerline of Western Street to High Avenue, then south along the centerline of High Avenue to Winston Churchill Drive, then south along the centerline of Winston Churchill Drive to Miles Avenue, then south along the centerline of Miles Avenue to Courthouse Road, then west along the centerline of Courthouse Road to Glendale Street, then south along the centerline of Glendale Street to Garland Avenue, then east along the centerline of Garland Avenue approximately 100 feet, then south along a line parallel to Glendale Street to an unnamed tributary of Bailey's Creek, then south along the centerline of the unnamed tributary of Bailey's Creek to the southern city limits at Bailey's Creek, then west along the southern city limits at Bailey's Creek to Oaklawn Boulevard, then ~~east~~ west along the ~~centerline~~ southern right-of-way of Oaklawn Boulevard to ~~Cedar Level Road~~ the western city limits, then north along the ~~centerline of Cedar Level Road~~ western city limits to ~~Woodlawn Street~~ the Norfolk Southern railroad line, then east along the centerline of the Norfolk Southern railroad line to Cedar Level Road, then south along the centerline of Cedar Level Road to the point of origin.

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

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Motion was made by Councilor Bujakowski, and seconded by Councilor Pelham, to resolve to adopt on second and final reading, **Ord. #2011-16** – An ordinance authorizing the issuance of General Obligation Public Improvement Bonds of the City of Hopewell, Virginia in the Maximum Principal Amount of \$5,000,000. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	NO
Councilor Pelham	-	yes
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

ORDINANCE NO. 2011-16

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA, THAT:

November 15, 2011
Regular Council Meeting

1. It is determined to be necessary and expedient for the City of Hopewell, Virginia (the “City”), to finance the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, the Beacon Theatre and the Marina (the “Project”), and to borrow money for such purposes and issue the City’s general obligation public improvement bonds therefor.

2. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, there are authorized to be issued general obligation public improvement bonds of the City in the maximum principal amount of \$5,000,000 to provide funds, together with other available funds, to finance the Project and to pay costs of issuing such bonds.

3. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Council may hereafter provide by appropriate resolution or resolutions.

4. The bonds shall be general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

5. The City intends that the proceeds of the bonds be used to reimburse the City for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Ordinance. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the bonds or other debt.

6. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

7. The City intends to make a reimbursement allocation, which is a written allocation by the City that evidences the City’s use of proceeds of the bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

8. The City intends that the adoption of this Ordinance confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

9. The City Clerk, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this Ordinance in the Circuit Court of the City of Hopewell, Virginia.

10. This Ordinance shall be effective immediately upon its adoption after a second reading.

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Motion was made by Councilor Bujakowski, and seconded by Councilor Pelham, to adopt on second and final reading, **Ord. #2011-17** – An ordinance amending an ordinance adopted June 22, 2004, Entitled, “An ordinance authorizing the issuance of General Obligation Public Improvement Bonds of the City of Hopewell, Virginia, in the maximum principal amount of \$20,000,000. Upon the roll call, the vote resulted:

November 15, 2011
Regular Council Meeting

Vice Mayor Walton	-	NO
Councilor Pelham	-	yes
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

ORDINANCE NO. 2011-17

ORDINANCE AMENDING AN ORDINANCE ADOPTED JUNE 22, 2004, ENTITLED “AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$20,000,000” AND AMENDING AN ORDINANCE ADOPTED JUNE 9, 2009, ENTITLED “AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$10,000,000”

WHEREAS, on June 22, 2004, the City Council (the “Council”) of the City of Hopewell, Virginia (the “City”), adopted Ordinance No. 2004-07 (the “Ordinance”) authorizing the issuance of \$20,000,000 general obligation public improvement bonds of the City to finance the acquisition, construction, reconstruction, renovation and equipping of various public improvements within and around the downtown area of the City, which may include without limitation, a new main library for the Appomattox Regional Library System, apartment building redevelopment, streetscape improvements and the adaptive re-use of the Mallonee Building;

WHEREAS, a portion of such bonds were issued on July 13, 2004, as part of the City’s \$6,210,000 Taxable General Obligation Public Improvement Bonds, Series 2004B (the “2004B Bonds”), pursuant to a resolution (the “2004 Resolution”) adopted by the Council on June 22, 2004;

WHEREAS, on September 26, 2006, the Council amended the 2004 Ordinance (the “2004 Amended Ordinance”) to provide for an additional authorized use of the proceeds of the 2004B Bonds;

WHEREAS, the 2004B Bonds were refunded on June 26, 2008 as part of the City’s \$4,480,000 Taxable General Obligation Public Improvement Refunding Bonds, Series 2008B (the “2008B Bonds”), pursuant to a resolution (the “2008 Resolution”) adopted by the Council on June 3, 2008;

WHEREAS, on June 9, 2009, the Council adopted Ordinance No. 2009-04 (the “2009 Ordinance” and, together with the 2004 Amended Ordinance, the “Ordinances”) authorizing the issuance of \$10,000,000 general obligation public improvement bonds of the City to finance the construction of the Human Services Building and renovations to the high school;

WHEREAS, a portion of such bonds were issued on June 25, 2009, as part of the City’s \$10,000,000 General Obligation Public Improvement Bonds, Series 2009A (the “2009A Bonds”), pursuant to a resolution (the “2009 Resolution” and, together with the 2004 Resolution and the 2008 Resolution, the “Resolutions”) adopted by the Council on June 9, 2009; and

WHEREAS, the Council now desires to amend the Ordinances and the Resolutions to provide additional authorized uses of the respective bond proceeds;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA:

1. Section 1 of the 2004 Amended Ordinance is hereby amended to provide that in addition to the purposes set forth therein for which the proceeds of the 2004B Bonds are authorized to be used, the proceeds of

November 15, 2011
Regular Council Meeting

the 2004B Bonds also may be used to finance the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, the Beacon Theatre and the Marina. Section 1 of the 2009 Ordinance is hereby amended to provide that in addition to the purposes set forth therein for which the proceeds of the 2009A Bonds are authorized to be used, the proceeds of the 2009A Bonds also may be used to finance the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, the Beacon Theatre and the Marina.

2. All references to projects financed by the 2004B Bonds and the 2008B Bonds in the 2004 Resolution and in the 2008 Resolution are hereby amended to include the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, the Beacon Theatre and the Marina. All references to projects financed by the 2009A Bonds in the 2009 Resolution are hereby amended to include the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, the Beacon Theatre and the Marina.

3. Except as amended hereby, the Ordinances and the Resolutions are hereby ratified, confirmed and approved.

4. All other actions of officers of the City in conformity with the purposes and intent of the Ordinances, the Resolutions and this ordinance are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the use of the proceeds of the 2004B Bonds, the 2008B Bonds and the 2009A Bonds as hereby amended.

5. This ordinance shall take effect immediately.

The undersigned City Clerk of the City of Hopewell, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Council of the City of Hopewell, Virginia, held on the 8th day of November, 2011, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and seal of the City of Hopewell, Virginia, this 16th day of November, 2011.

(SEAL)

/s/ City Clerk, City of Hopewell, Virginia

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hopewell, Virginia,

That the City of Hopewell requests the Commonwealth Transportation Board to establish a project for the implementation of the Appomattox Riverwalk.

That the City of Hopewell hereby agrees to provide a minimum 20 percent (20%) of the total cost for planning and design, right-of-way, and construction of this project.

That the City of Hopewell hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right-of-way acquisition, and construction of a federally funded transportation project.

That the City of Hopewell will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

That if the City of Hopewell subsequently elects to cancel this project the City of Hopewell hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Virginia

November 15, 2011
Regular Council Meeting

Department of Transportation through the date the Virginia Department of Transportation is notified of such cancellation. The City of Hopewell also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this 18th day of October, 2011

City of Hopewell, Virginia

By: _____

Attest

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Mayor Luman-Bailey presented the following proclamation to representatives from the organization. Inquiries may be made to www.rtrcities.org or 861-8686.

PROCLAMATION

WHEREAS, Rebuilding Together★Tri-Cities provides year round services by installing grab bars, sturdy railings, ramps and other modifications to allow homeowners to safely “age in place.”

WHEREAS, anyone 15 and older can volunteer; they come from all economic and ethnic backgrounds and various professions; skill is not required – just a willingness to help; and special efforts are made to recruit skilled volunteer help from the community, without which, many of the repairs could not be made; and

WHEREAS, recipients must be homeowners of low-income and elderly, disabled, or families with children, and unable to do the work themselves; individual families are referred through neighborhood associations, places of worship, community organizations, and service groups, or by self-referral; and

WHEREAS, since 1994 **Rebuilding Together★Tri-Cities** has been rehabilitating homes and has already made a positive impact on 11 neighborhoods, over 220 homes, six community centers and countless individuals; and

WHEREAS, all repairs are paid for by Rebuilding Together★Tri-Cities; there is no cost to the homeowner. Financial contributions and supply donations come from generous individuals, corporations, foundations, civic organizations, and religious organizations interested in building a better America.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Christina J. Luman-Bailey, Mayor of the City of Hopewell, Virginia, on behalf of the City Council and the citizens of our fair City, hereby recognize the contributions of and the efforts of

Rebuilding Together★Tri-Cities

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 15th day of November 2011.

/s/Christina J. Luman-Bailey, Mayor
City of Hopewell, Virginia

COMMUNICATIONS FROM CITIZENS

Anthony Sylvester, Hopewell, received a FOIA inquiry regarding Council members’ attendance at meetings. Through September 23, 2011, most Council members were here all the time. Of twenty-one City Council or business meetings, one Councilor attended only one meeting, at the Councilor’s house. Mr. Sylvester, on behalf of his client, proposed: (1) having a public hearing on when a Council seat is declared vacant; and (2) compensation based on attendance at meetings. Certain people within the city are not being represented. There is the issue of governance and absenteeism. Representation on any level of government is essential to a democracy.

November 15, 2011
Regular Council Meeting

One man – one vote. If the charter needs to be changed, then do it. This city cannot adjust a ward boundary without the Department of Justice coming in.

Vice Mayor Walton received citizen comments regarding the bond issue. He composed them into one document and read them into the record (filed in the City Clerk's office).

Comments on Bond Issue

-Are we receiving more tax revenue than what was put into the downtown? I would venture to say no!

Develop the 1-295 corridor. A steady flow of tax money every day.

(Beacon) Why don't we sell it with stipulations put on the use?

I am not sure which project would be the best to take on, the Beacon or the Marina

As you know on any given weekend, the marina is loaded with boaters and fishermen

To us, a nice restaurant near the marina would be ideal.

I don't see why we can't do what Georgetown or South Hill, of all places, did with their old, little theater and made it a positive for their small town.

.....I am okay with taxes being raised and bonding other things such as development of Colonial Corner and behind the Bowling Alley but let's put it all out there before we make a hasty decision.

Return on investment – business plan – buildings in the downtown that we get taxes from would make more sense to me – overall vision of where all projects that have been part of a Capital Improvement Plan need to be reviewed instead of jumping into certain areas over other

i am not against a joint police /fire station to me that seems the only way we would ever get something is if we piggy back with them.

The City of Hopewell needs a more thoughtful, business-minded approach to solving issues such as you have pointed out. As you know, I have about 35 years of experience in finance, accounting and property development/management. Never during my career did we undertake a project without clearly defining an overall, comprehensive plan and with entire scope of the project identified. We were limited by financial constraints, i.e. our ability to fund the project(s) with debt and/or current operating results, based on our overall business plan. Based on that we revised and adjusted our plan to what we could afford. It doesn't appear to me that the City does that. It just continues to spend money it doesn't have or cannot afford on what it perceives as "needed".

Furthermore, the City does not communicate its financing plans very well, if at all. It appears its approach is to slowly bleed-out information, drip by drip, so the citizens do not understand the totality of what is happening to them. Oh, we'll just raise the tax rate a penny or so, two years down the road, and no one will notice or care. That is baloney. The City's financial resources are finite, just as a business. It is not elastic and stretchable as it sees fit. The City cannot continue to increase the tax burden on its citizens to fund Council's pipe dreams.

Marina – I agree that the dredging should be done for the citizens to use the public ramp and repairs to the parking lot as needed.

However, the roof over L dock repair, I am assuming those people that park their boats there pay rent of some sort. It seems they are the benefactors of those repairs and the taxpayer should not be subsidizing this. The rented docked space at the marina should be a for profit proposition or at least break-even proposition, where the rent is used for repair and maintenance of the dock area and roof over those areas.

Beacon – I agree with matching funds. Is local business or Historical society willing to put up any money. Could a volunteer work day be organized to help clean up or do renovation. (ie. Cheap labor but get money for supplies from local sources (business, societies, clubs, etc.)) I seems this renovation has been going on for a long time and more money keeps being requested. This just seems to be a Money Pit. (see the movie)

Public Safety Building – The police seem to be doing fine where they are at the moment. I do not see this a necessity, but more like a 'nice to have' project. I do not want to deny the police a better place to Comments on Bond Issue cooperate from, but can this wait until some of the other projects are completed and the debt is paid before the city takes on more expense. Can

November 15, 2011
Regular Council Meeting

this be delayed and the need given time to be better investigated and alternate locations be reviewed.

Also after the last \$20M bond the political winds blew new players arrived and the money did not get used as planned except for the library. What assurance will citizens have with election cycles that a new gang of four appears and changes the spending plan yet again??

If i thought it would do any good I would but what good will it do

*Finally, how will this affect our taxes? Will real estate and other taxes increase? Reading below: We already in Hopewell pay too high a meal tax. (total state/local is now about 11 cents) I guess people will continue to eat out. However, if it goes up again, I probably will not purchase meals in Hopewell. Chesterfield is less already. Hopewell is in an economic crunch. There are two few of us paying taxes--I like the location, etc., of Hopewell (although I wonder if the overall community base is going "down hill". (all i hear are rumors that it has been hard for years to sell a house in Hopewell. That no one wants to buy--they rent and then leave. *side comment here* we need to get on the ball with the landlords to keep up to some type of standard the conditions of rental properties* An increase of real estate taxes (even talking 5 yrs down road) is very unwelcome news. Although I am comfortable, I see economic conditions and increase in taxes, etc., eating away my future.*

There should be a way that this city can function without going into debt.

1) Do we really need the Marina if it can not support itself?

2) The Beacon Theater seems to be a never ending project with no end in sight. How much money has been put into it already? How much more will it take? What will be the end result?

3) What exactly is a Public Safety Building? Where will this be located? Why not renovate an existing empty building?

I am not in favor of real estate taxes being increased to fund any of the above.

I am in favor of a Usage Tax - this way every person in this city will have a part in supporting the city - not just the home owners

New Social Services and Public Safety Buildings do nothing for economic development. In fact they stifle it because you increase the tax burden on business to pay for it.

We may need them which is fine but don't plead the case of development.

As for the Marina and Beacon we should not be in the development business. It slows down the process and if economics don't spur development then no amount of city dollars are going to.

If the city would get out of the way and relax some policies then developers would in time do all of this we are going to spend tax dollars on to do wrong.

It seems that money spent on the Marina would benefit those that have boats docked down there and that use the boat ramp. What happens to the money received for rent of the dock space and ramp fees?

It seems that a lot of money has already been dumped into the Beacon Theatre, why does the city feel we need to dump more money into it?

What happens to the money that is received for the rental of the rooms at the Beacon? It seems that this money should be used for further renovation rather than the taxpayer through bonds.

Comments on Bond Issue

Do not know about the Public Safety Building. How does it benefit the taxpayer in general? Will my daily life be made safer?

I just hope that a few people that have the ear of a few of the City Council members are not using the council to pay to improve (revitalize) their pet projects using City money (bonds).

1. Raise my taxes, lose my vote!

2. Sell the damn Beacon. What the heck is the government doing with a theatre? Don't presidents die in them?

3. Do ya really think now is the time for a 5 million dollar building? A new public safety building does not generate revenue. Don't ya think it should wait until there is a surplus in revenue?

4. Don't spend money you don't have.

5. Marina = revenue. That would be an investment well spent

What are you going to do when people stop buying houses and new cars because the elected officials of this city care more about raising taxes than they do about the people who elected them.?

November 15, 2011
Regular Council Meeting

What are you going to do when home owners start selling their homes and take their new cars and move to another city or county where they feel that they are more appreciated by the elected officials?

Better still, what are you going to do when the only people left in this city are renters who drive older cars and the only work most of them do is breaking the law?

Is it really fair to keep making people who have worked to achieve a good life pay more and more to support those who don't care?

Is it really fair to punish a person for owning a home or a new car and reward those who do not?

Is it really fair to make some citizens spend their hard earned money on a marina that will never be what it used to be? Or the Beacon Theater that will sit there empty if it is ever finished? Or more new buildings that will only end up as another empty building among the ones that are now in what used to be downtown?

Why do I have to drive to Colonial Heights or Chester to find a grocery store that is clean and has a wide variety of products a place to buy clothes and shoes

and now a place to buy materials to repair and maintain my home

If you continue in this manner all you will have left is a city that used to be a nice place to live full of people who don't have anything because all the people worth stealing from have left.

Anthony J. "Tony" Zevgolis, Hopewell, addressed Council regarding the Marina. In Mr. Zevgolis' opinion, Hopewell City Policy is being violated; money is being used. Personal Property tax is being abused. On October 25 he received a call from Jeff Davis to remove boats by November 1, due to the upcoming dredging. That is only seven days; boaters are usually given 30 days because of dredging. In the past it has been done by moving a few boats at a time. Some boats could be put on trailers and parked in the parking lot. He spoke to the City Manager on October 22 about a letter dated October 21, 2011 (filed in the City Clerk's Office), to Slip Holders from Jeff Davis, and cc: Jo Turek, Director.

(Dr. Daley had not seen the letter.) He arranged for Mr. Zevgolis and the Department Head to meet. Some boats have gone to Hampton and may never come back. No City money has gone to the Marina after the hurricanes and storm damage.

Councilor Stokes – Introduction of Kevin Keller, Plant Manager, Honeywell, and New HRWTF Commissioner – Mr. Keller was unable to attend the meeting. He will be appointed to the HRWTF Commission at a future meeting.

There being no other speakers, Communications from Citizens were closed.

UNFINISHED BUSINESS – CITY MANAGER – TWO-YEAR BUDGET

The City Attorney is preparing to draft a Charter Amendment regarding the proposed Two-Year Budget. One Virginia jurisdiction changed to a two-year budget and did so for about 15 years; they have since gone back to the one-year budget. They determined that it was too much work. It was the only locality in the Commonwealth of Virginia that did so. As of right now there are no localities using a two-year budget.

There is more anticipation of what will be done in the second year. The City Manager wanted to make Council aware of this before having a public hearing.

DISCUSSION: The State uses a two-year budget. They adopt one budget in one year and amend the budget for the second year. Then they start on the second year budget. Two-year budgets for localities would work the same way. (We do not follow the budget any way. Priorities change.) What is the difference between a "budget" and a "financial plan?" A financial plan shows what revenues and expenditures will be for the next five years, total. Taking prior years, looking at trend lines and how they will come up and down.

Motion was made by Councilor Stokes, and seconded by Councilor Bujakowski, to adopt a two-year budget and schedule a Public Hearing and Charter Amendment. Upon the roll call, the voting resulted:

**November 15, 2011
Regular Council Meeting**

Vice Mayor Walton	-	NO
Councilor Pelham	-	NO
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

The motion failed by a tied vote.

UNFINISHED BUSINESS – DRAFT AGREEMENT – DOWNTOWN PARTNERSHIP

At the City Council meeting held on October 18, 2011 Council postponed the Draft Agreement for the Downtown Partnership to November 15, 2011.

Motion was made by Councilor Pelham, seconded by Councilor Bujakowski, and passed unanimously to postpone indefinitely.

UNFINISHED BUSINESS – PUBLIC SAFETY BUILDING

The City is in receipt of a PPEA for a Public Service Building at the old library and old Social Services building. The City must decide to (1) accept the PPEA and advertise; (2) receive proposals for renovation of the building or new construction. (There is an option to amend one building and not the other. Private development in the old library, or the old Social Services building could be used for the Health Department and Communications Center); or (3) reject the PPEA.

The City Attorney recommended that this issue be referred to a Council committee.

Motion was made by Vice Mayor Walton, and seconded by Councilor Shornak, to modify the PPEA proposal for a Public Safety Building, by doing one building at the old Social Services building for the Health Department.

Motion was made by Councilor Pelham to refer the issue to a Council committee for discussion. The motion died for lack of a second.

Motion was made by Councilor Pelham, seconded by Councilor Bujakowski, and passed unanimously, to postpone indefinitely, for discussion at a future Work Session on November 29.

CITIZEN/COUNCILOR REQUEST – COUNCILOR BUJAKOWSKI – BEACON THEATRE & MARINA PROJECTS

Councilor Bujakowski opened discussion regarding I-295 funds for the Beacon Theatre and Marina projects.

DISCUSSION: There is approximately \$3.9Million of I-295 money in designated projects in CIP (Capital Improvement Program). The proposal is to put \$225,000 into the designated projects. The City needs a financial plan. Some Councilors felt that if money is available, it raises the question of why it is being done this way. The savings account to decrease the amount of a loan; less debt. An e-mail was sent to the Ed Daley-City Manager, Elestean Hager-Finance Director, and Scott Firestine-ARLS Director, on how much money has been spent so far on the Beacon. Public Works expenses resulted from the City's acquisition of the Beacon Theatre last year. It needed to be cleaned up, so Public Works did it, with \$50,000 from this year's budget. Mr. Firestine will make application to Mr. Hager which will come from the \$50,000 budget. There is not a clear picture of how much has been spent on the Beacon since the City took over.

**November 15, 2011
Regular Council Meeting**

Councilor Shornak provided information (filed in the City Clerk’s office), showing (1) Public Works Budgeted Amount – Total Budgeted for Service Contracts: \$50,000.00; City budgeted expenses: \$4,074.99; Public Works Expenses: \$26,451.05; Beacon Theatre Income Statement ending 10/31/11: Revenues - \$6,024.50 and Expenses - \$23,247.96; and ARLS General Ledger 1/1/11 to 11/30/11: Total Receipts \$6,024.50; Total Expenditures \$23,247.96; and finally, Expenses from City’s takeover in 5/11 through 10/31/11: \$247,749.50.

Motion was made by Councilor Bujakowski, and seconded by Councilor Pelham, that starting 2011, a designated reserve is created within the capital fund for the Beacon Theatre and Marina projects and to allocate \$225,000.00 of the receipts from the I-295 to this reserve annually beginning in December 2011, to be used to reduce the \$5 million, and no more. Upon the roll call, the vote resulted:

Councilor Walton	-	NO
Councilor Pelham	-	yes
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

CITIZEN/COUNCILOR REQUEST – VICE MAYOR WALTON – DISCUSSION OF CITY FUND BALANCES AND THEIR USES

Vice Mayor Walton provided a report (filed in the City Clerk’s office) entitled “Hopewell Surplus Fund Balances” which indicated an Uncommitted Total of \$15,000,000.00 (approximately).

Hopewell Surplus Fund Balances

Fund	Balance	Use
Capitol Fund	\$ 9,000,000	Uncommitted
General Fund	\$ 5,000,000	\$350,000 Committed for Bonus
	\$ 4,500,000	Committed to Rainy Day fund
Sewer Fund	\$12,000,000	Unknown Amount Committed
Trash Fund	\$ 2,000,000	Unknown Amount Committed
Cemetery	\$ 1,000,000	Protected by Council
	Owed	
Uncollected Tax	\$2,000,000	\$ 1,000,000 Conservative Estimate of Collection
Self-Insured	\$ 1,300,000	Runs out in three years
Total	\$35,800,000	Cash on hand
Uncommitted Total	\$15,000,000	Approximate

DISCUSSION: Mr. Walton stated that the City needs leadership. He never knew that there was \$5 million in a General Fund. There is money out there and Council is being kept in the dark. There is concern about borrowing money. Some is committed but a lot is not. The City Manager indicated that those numbers are not accurate. The City only has \$500,000.00; not \$5 million. The Cemetery is a reserved fund. He urged Council to look at all of the reports from August. There was discrepancy about the \$4.5 million. The City Manager verified that there is \$9 million in the capital fund. That amount of money gives the city the option. If Council wants to borrow \$1 million in 2017, that \$1 million expense is approved. If Council decides to issue bonds, it can. But, Council does not have to. You can pay cash for all of it. During the original projections for the financial plan last year, Council was told there might be deficits in the General Fund in the future. There was a question raised about why no one told Council that there was \$9 million surplus. That money could have been used for many projects; there was nothing out there to pay off. (1) issue bonds; (2) pay off some debt. If the City moves forward with the Marina, Public Safety building, school proposal and the City Manager’s Energy project, some of it will be sucked up. Some bonding issues on some of the money.

REGULAR BUSINESS – SCOTT FIRESTINE, DIRECTOR – ARLS – PRESENTATION AND REQUEST FOR RESOLUTION AND SUPPORT OF GRANT FUNDING

Scott Firestine indicated that \$3 million is available from the state for the Beacon Theatre. The state is offering grants to communities throughout the Commonwealth for areas fiscally depressed. He intends to fill out the grant application. It must have a resolution from Council endorsing the grant. He will be asking the Governor for support. There will be announcements of the recipients in December. The city could get \$600,000 to renovate the Beacon Theatre.

DISCUSSION: Make clear that it is up to \$600,000. The state will only be giving out five grants. The city will have to put up \$600,000. Where will it come from? The project states that it will take 18 months to complete. Hopewell is listed as a distressed area. If the City gets the money, who will be the administrator? That will be determined by Council if it is received. Could it be the HRHA? Once we know if we are getting the money, administration will come back to Council; it closes on December 1. If there are more requests and money is available, it may be extended. The third paragraphs refers to \$1.2 million, but it should be changed to \$1.3 million.

Motion was made by Councilor Pelham, and seconded by Councilor Stokes, to approve the Resolution in support of grant funding. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

Resolution

WHEREAS, the City of Hopewell is the owner of record of the historic “Beacon Theatre,” located on 401 North Main Street in Hopewell, and;

WHEREAS, the building was purchased by the City of Hopewell to both preserve the historic structure and to make the building available for the public, and to be a catalyst for new investment in the Downtown area, and;

WHEREAS, considering the City’s previous investment of the theatre of \$1.2 million dollars for phase I efforts for construction utilizing Historic Tax Credits through a non-profit organization from 1999-2010 and;

WHEREAS, the City’s current investment of the theatre of \$5.0 million, bonding approved at the October 18, 2011 Council Meeting, for phase II completion of the restoration of the theater and;

WHEREAS, This amount meets the minimum required local matching funds for an “2012 Industrial Revitalization Fund (IRF) Grant” at the maximum grant amount of \$600,000, now then;

HEREBY BE IT RESOLVED, that the City Council of City of Hopewell, does hereby authorize the City Staff to prepare and submit on behalf of the City of Hopewell a “2012 Industrial Revitalization Fund (IRF) Grant Application” to the Virginia Department of Housing and Community Development (DHDC) on behalf of the renovation of the Beacon Theatre which is owned by the City of Hopewell. Such grant request to total \$600,000, and;

BE IT ALSO RESOLVED, that if approved by DHCD, the IRF Grant Funds would be used to financially assist in the physical renovation of the Beacon Theatre, the total renovation cost currently estimated at \$5.0 million, with City of Hopewell and the Appomattox Regional Library System, serving as the developer team.

November 15, 2011
Regular Council Meeting

This Resolution was read and approved by majority vote of the City Council of the City of Hopewell, at its Council Meeting, held on the **18th Day of November in the Year 2011**, and recognized by the Authorized

Signature(s) below:

Attest:

/s/ Christina G. Luman-Bailey, Mayor, City of Hopewell

/s/ Ann M. Romano, Clerk of Council

REGULAR BUSINESS – PPEA PROPOSAL FOR REHABILITATION OF THE BEACON THEATRE AND THE ADJACENT BUILDING

DISCUSSION: The PPEA is very vague about what is going to be at the Beacon. When it is advertised, the City will receive specific proposals; then Council selects which one it wants. Then talk about specific numbers. They will provide a range. This is an unsolicited bid. The city will be advertising for additional bidders. Mr. Enochs put down a deposit of \$5,000.00. That would be the requirement of anyone else submitting proposals. It would be within that range but it depends on the projection. If a bidder is not selected, the deposit will be refunded. If they withdraw from consideration, it is forfeited.

Motion was made by Councilor Stokes, and seconded by Councilor Bujakowski, to accept the proposal and direct staff to advertise for 60 days. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

REGULAR BUSINESS – ORDINANCE No. 2011-19 – AMENDING ARTICLE I. CHAPTER 31 OF THE CODE OF THE CITY OF HOPWELL BY ADDING SECTION 31-10.3, TEMPORARY REDUCTION IN SEWER CONNECTION FEE

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, to approve Ordinance No. 2011-19, amending Article I. Chapter 31 of the Code of the City of Hopewell by adding Section 31-10.3, Temporary Reduction in Sewer Connection, on first reading. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

REGULAR BUSINESS – ORDINANCE NO. 2011-20 – APPROVING A 3% CITY OF HOPEWELL EMPLOYEE BONUS

Employees must be employed by the City for one year before getting the bonus. On December 1 the bonus will go out in a separate check.

Motion was made by Vice Mayor Walton, and seconded by Councilor Pelham to adopt Ordinance No. 2011-20, on one and only reading, approving a 3% City of Hopewell Employee Bonus. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

November 15, 2011

Regular Council Meeting

Mayor Luman-Bailey - yes
Councilor Bujakowski - yes
Councilor Stokes - yes

ORDINANCE NO. 2011-20

An Ordinance Approving a 3% Employee Bonus

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the City does hereby direct the City Manager to pay all City of Hopewell employees a one-time bonus of three percent (3%) of the employee's annual pay (excluding supplemental and over-time pay) based on the following guidelines:

1. The bonus shall be paid to all permanent full-time and part-time personnel with more than one year of employment.
2. There will be a cap on the bonus payments of \$1,800 per employee.
3. The pay will be issued to the employee in a separate paycheck.
4. The payments shall be made on December 1, 2011.
5. Employees with less than one year of service will become eligible to receive a bonus payment upon successful completion of their first full year of employment.
6. City Council and members of city boards and commissions are exempt from the program.

REGULAR BUSINESS – ORDINANCE NO. 2011-21 – DEBBIE REASON, COMMISSIONER OF THE REVENUE – TAX RELIEF FORMS ALLOW FILING EVERY THREE (3) YEARS

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, to approve Ordinance No. 2011-21, Tax Relief Forms Allow Filing Every Three (3) years, on first reading. Upon the roll call, the vote resulted:

Vice Mayor Walton - yes
Councilor Pelham - yes
Councilor Shornak - yes
Mayor Luman-Bailey - yes
Councilor Bujakowski - yes
Councilor Stokes - yes

ORDINANCE NO. 2011-21

An Ordinance amending section 34-23 (Real estate tax relief for elderly and disabled persons) of Chapter 34, Article II of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that Hopewell City Code § 34-23, Real estate tax relief for elderly and disabled persons, of the Hopewell City Code is amended as follows:

ARTICLE II. TAX ON REAL ESTATE, MACHINERY AND TOOLS

Sec. 34-16. Accrual; when due and payable.

All taxes and levies on real estate and on machinery and tools subject to taxation by the city shall accrue on January first of each year and shall become due and payable on the first day of June of each year.

Sec. 34-17. Installment payment.

**November 15, 2011
Regular Council Meeting**

One-half of all taxes and levies accruing each year to the city on real estate and on machinery and tools shall be paid to the city treasurer on or before June fifteenth of each tax year and the remaining one-half, unless sooner paid, shall be paid on or before December fifth next following. Any taxpayer shall have the option of paying the second half of his then-current year's taxes at any time between June first and December fifth of the then-current tax year.

Sec. 34-18. Penalty for late payment.

For the nonpayment of the first one-half of the current year's taxes on real estate and machinery and tools, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on June sixteenth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due; and for the nonpayment of the second half of such taxes, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on December sixth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due.

REGULAR BUSINESS – JOHNNIE BUTLER, CITY ENGINEER - ATWATER CHANGE ORDER – VIRGINIA CONCRETE (PUBLIC IMPROVEMENT PROJECT)

The Atwater Road Project extends from River Road to 100 feet north of Robin Hood Drive and includes full modernization to include curb and gutter, sidewalks, repaving and allied roadway drainage improvements. Requested Council action is approval of the Contract Change Order.

Through contractor assignments in May 2010 and April 2011 the City has recently completed similar curb and gutter, repaving, and drainage improvement projects in other areas of the City (i.e., Waverly & Berry Streets). The issued contract to perform the work was awarded in a competitive bid pricing format to Virginia Concrete Company. The same unit prices for major component items involving the Atwater Road project are considered very reasonable and remain unchanged for this newest project. The original bid prices were offered in the late Fall of 2009 and the latest assignment activity on this contract was during the Spring of 2011.

Awarding this new work by contract change order allows the City to take advantage of the previous pricing, while moving the project immediately forward without additional delay. The project has assigned VDOT Revenue Sharing Program funds that need to be acted on by the end of this year. A formal letter of agreement on the VDOT reimbursement has been established (August 2011) and the VDOT funds are presently committed.

Given the low unit prices that the City still enjoys on the current contract, and the good performance by the contractor on recent assignments (five total), all of which were started and completed during 2009/2010 and 2011, the City Engineer recommended addition of this scope of work by contractor change order. The decision is also based on the contractor's availability to begin the work by December 1, 2011. That timeline is also necessary to better meet the use of funding requirements being imposed.

During the open window period in August 2008 the City submitted the Atwater Road project for consideration, approval and inclusion in FY 2009-2010 VDOT Revenue Sharing Program Funds. The City received that approval notification on December 15, 2008. The subject project was approved to receive City Capital Improvement Project funds in FY 2010. Capital Improvement Project funding is an ongoing fund which is the source of match funds. The VDOT program is a 50/50 funding program.

The contract change is an increase of \$240,000.00. Previous increases to the contract limit have been approved in past actions. The original Waverly/Berry Contract will be used for this latest contract modification. Previously approved (FY 2010) Capital Improvement Project (CIP) funds are being used as the City's matching funds. All the project funds will come from CIP and VDOT Revenue Sharing Program (50/50 partnership).

November 15, 2011
Regular Council Meeting

Motion was made by Councilor Stokes, seconded by Councilor Shornak, and unanimously passed to approve the change order, with an increase of \$240,000.00.

REGULAR BUSINESS – JOHNNIE BUTLER, CITY ENGINEER -VDOT REVENUE SHARING

The Standard Project Administration Agreement between the Virginia Department of Transportation and the City of Hopewell, to use VDOT Revenue Sharing program funds to construct miscellaneous curb and gutter, street, sidewalk and various road section drainage improvements, as described in the approved FY 2013 VDOT Revenue Sharing Program allocations and further described on the eight specific City project submissions.

VDOT Project Number #000-116-R56, PE-101, RW201, M501, C501 UPC #'s to be assigned per project. Further briefing documents to the aforementioned is a copy of the “Standard Project Administration Agreement” and “Revenue Sharing Detailed Designation of Funds Forms” and Summary Sheet.

In December 2011, VDOT Commonwealth Transportation Board (CTB) will consider inclusion and approval of the eight (8) new projects the City has submitted for the FY 2013 VDOT Revenue Sharing Program. It is expected that the projects will be approved without exception or deletion. The projects submitted for approval are ranked in terms priority and future funding. They are as follows:

1. North 14th Street (Sidewalk Replacement);
2. Ramsey Avenue (Curb & Gutter/Sidewalk/Drainage Improvements);
3. Freeman Street (Curb & Gutter/Driveway Aprons/Drainage Improvements);
4. North Avenue (Curb & Gutter/Driveway Aprons/Drainage & Sidewalk Maintenance Improvements);
5. Maple Avenue (Curb & Gutter/Driveway Aprons/Drainage & Sidewalk Maintenance Improvements);
6. Davis Lane (Curb & Gutter/Driveway Aprons/Drainage & Sidewalk Maintenance Improvements);
7. Carolina Avenue (Curb & Gutter/Driveway Aprons/Drainage Improvements); and
8. Various Projects at Citywide Locations – Miscellaneous Curb & Gutter/Sidewalk/Drainage Improvements.

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, by Resolution, endorsing the projects identified above. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

Motion was made by Councilor Stokes, seconded by Councilor Shornak, and unanimously passed by Resolution, to: Authorize the City Manager to sign the “Standard Project Administration Agreements.”

REGULAR BUSINESS – REQUEST TO SOLICIT REDEVELOPMENT PROPOSALS FOR THE CITY JAIL

Motion was made by Councilor Pelham, seconded by Councilor Stokes, and unanimously approved to solicit proposals regarding redevelopment of proposals for the City Jail.

REGULAR BUSINESS – HOPEWELL ENERGY SAVINGS MEMORANDUM OF UNDERSTANDING

Motion was made by Councilor Pelham, seconded by Councilor Bujakowski, and unanimously passed to authorize the City Manager to execute the Hopewell Energy Savings Memorandum of Understanding.

REGULAR BUSINESS – PRESENTATION BY RAY WATSON, ASSISTANT SUPERINTENDENT – HOPEWELL PUBLIC SCHOOLS, REQUESTING ENERGY CONTRACT FUNDING

Motion was made by Councilor Bujakowski, seconded by Councilor Shornak, and unanimously passed to schedule a Public Hearing on December 13, 2011 regarding Hopewell Public School’s Energy Contract Funding.

REPORT OF THE CITY ATTORNEY

No report.

REGULAR BUSINESS – REPORT OF THE CITY CLERK – APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion was made by Bujakowski, seconded by Councilor Walton, and unanimously approved to: Reappoint to the Board of Zoning Appeals, Beverly Terretta, for a term extending through October 31, 2016; Reappoint to the Central Virginia Film Office Board, Walter Brooks, for a term extending through October 31, 2014; Appoint/reappoint to the Central Virginia Waste Management Authority Phil Elliott, for term extending through October 31, 2013; Reappoint John Weigel, for a term extending through October 31, 2014, to the District 19 Community Services Board; Reappoint Nathan Lee, Clint Strong and Sterling Wheat, to the Hopewell Redevelopment & Housing Authority, for terms extending through October 31, 2015; Reappoint to the Industrial Development Authority, Jasmine Gore, for term extending through October 31, 2015; Reappoint to the Keep Hopewell Beautiful Commission, Jasmine Gore, Ward #4, for a term extending through October 31, 2015; Reappoint John Loshkreff, to the Recreation Commission, for a term extending through October 31, 2015; Appoint Greg Cuffey, to the Social Services Advisory Board for a term extending through October 31, 2015; Appoint LaDerek Green and John Holloway, for terms extending through October 31, 2015, to the Transportation Safety Board; Appoint Police Chief Keohane, to the Technology Fund Committee.

Motion was made by Councilor Pelham to appoint Yolanda Stokes to the HRHA. The motion died for lack of a second.

Motion was made by Councilor Bujakowski, and seconded by Councilor Stokes, to reappoint Nathan Lee, Clint Strong and Sterling Wheat to the HRHA for terms extending thru October 31, 2015. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	NO
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

Motion was made by Councilor Pelham, and seconded by Councilor Stokes, to appoint N. Greg Cuffey to the Social Services Advisory Board, for a term extending thru October 31, 2015. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	NO
Councilor Pelham	-	yes
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

Appointments/reappointments to be made on December 13: Board of Architectural Review, two vacancies, one term to October 31, 2012 and one term to October 31, 2014; Central Virginia Waste Management Authority, one member vacancy, **OR** one alternate vacancy, term to October 31, 2013; Keep Hopewell Beautiful

November 15, 2011
Regular Council Meeting

– 2 vacancies – Ward #3 term to 10/31/13 & Ward #5 term to 10/31/12; Industrial Development Authority, 1 vacancy, term to 10/31/15; NWAC – Ward #1 term to 10/31/13; Senior Citizens Advisory Commission – 1 vacancy, term to 10/31/13; Virginia’s Gateway Region, 1 citizen vacancy, term to 12/31/11 & one Council member vacancy.

REPORTS OF COUNCIL COMMITTEES

Councilor Pelham reported on attending two meetings of the Central Virginia Film Office Board. They are planning Oscar Night February 2, 2012, location to be announced, but the Beacon Theatre is being considered. Interested parties should call Councilor Pelham to save a table or an individual seat. Councilor Pelham thanked everyone for voting. She hopes to get more citizens to come out and vote in the future.

REPORTS OF CITY COUNCIL MEMBERS

Vice Mayor Walton reported on a tribute to his mother-in-law, Mary Bishop, who passed away last week.

Mayor Luman-Bailey reported an excellent turn out for the 5K. Children attended with costumes. The VFW sponsored Veterans Day at the cemetery. She learned about two young men from the area who went to World War II and lost their lives. She thanked them for what they did. Delegate Ingram and Delegate Dance attended also. Saturday evening was the VFW annual tribute.

ADJOURN

At 10:00 PM **motion** to adjourn the meeting was made by Councilor Bujakowski, seconded by Councilor Stokes, and unanimously passed.

Christina J. Luman-Bailey
Mayor

Ann M. Romano, City Clerk